

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DOUGLAS ALAN POWELL,
Plaintiff,

Civil No. 07-1386-ST

v.

ORDER

GUY HALL,
Defendant.

MARSH, Judge.

Magistrate Judge Janice M. Stewart filed her Findings and Recommendation on June 22, 2009. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has filed timely objections. I have, therefore,

given the file of this case a *de novo* review.

I find no error. Accordingly, I ADOPT the Findings and Recommendation #34 of Magistrate Judge Stewart. Respondent's Amended Petition for Writ of Habeas Corpus (#30) is DENIED.

IT IS SO ORDERED.

DATED this 13 day of July, 2009.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge